IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3046 OF 2004

Shri Gurupad Ishwar Hampannawar .. Petitioner
(Org. Plff.)

Vs.

Shri Mangesh Dattatray Sarvekar .. Respondent
(Org. Deft.)

Mr. S.B. Shetye for Petitioner.
Mr. G.H. Keluskar for Respondent.

CORAM: B.H. MARLAPALLE, J.

Date : June 06, 2006.

P.C.:

1. Heard Mr. Shetye, the learned counsel for the petitioner-plaintiff. In the course of the trial of Special Civil Suit No.16 of 2002 original of the bond signed between the parties came to be submitted by the plaintiff and the defendant denied to have signed the said bond. The defendant, therefore, filed an application at Exh.24 praying for the bond to be referred to the Hand Writing Expert. By his say the plaintiff opposed the said application but it was allowed by the learned Civil Judge, Sr. Division at Sindhudurg-Oros by his order dated 12/2/2004 and the same order has been impugned in this petition.

2. The suit is filed for recovery of money based on the bond said to have been executed between the parties on 17/10/2001. The original copy of the bond came to be submitted before the trial court by the plaintiff and the defendnat in his Written Statement at Exh.18 denied to have signed the said bond. The trial court, therefore, found it necessary to allow the application submitted by the defendant and directed to refer the bond to the Hand Writing Expert. This approach of the trial court cannot be faulted with. There is no case to interefer under Article 227 of the Constitution in the impugned order.

3. The petition is rejected summarily. Trial of the suit is expedited. R & P be returned forthwith.

(B.H. Marlapalle,J.)